

## REMARKS/ARGUMENTS

Claims 1-24 are pending. Reconsideration and allowance of the claims is respectfully requested.

### **I. 35 U.S.C. § 101: Asserted Non-Statutory Subject Matter**

The examiner rejected claims 24 under 35 U.S.C. § 101 as directed to non-statutory subject matter. This rejection is respectfully traversed, as the examiner's characterization a "recordable-type medium," as used in the specification, is plainly wrong. The examiner states that:

On page 20, lines 2-11 of the instant specification, applicant has provided evidence that applicant intends the "recordable-type medium" to use signals. As such, the claim is drawn to a form of energy.. Energy is not one of the four categories of invention and therefore this one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and this is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter.

Office action of October 17, 2007, p. 2.

Claim 24 is as follows:

24. (Previously Presented) A computer program product comprising:  
a recordable-type medium having instructions for presenting a step of a task, wherein the task includes a series of steps to be performed, the computer program product comprising:  
instructions for identifying a current step within the series of steps;  
instructions for retrieving a step component for the current step; and  
instructions for presenting the current step inline within the series of steps such that the step component is presented in context within the series of steps.

The portion of the specification referred-to by the examiner is as follows:

It is important to note that while the present invention has been described in the context of a fully functioning data processing system, those of ordinary skill in the art will appreciate that the processes of the present invention are capable of being distributed in the form of a computer readable medium of instructions and a variety of forms and that the present invention applies equally regardless of the particular type of signal bearing media actually used to carry out the distribution. *Examples of computer readable media include **recordable-type media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs, and** transmission-type media, such as digital and analog communications links, wired or wireless communications links using transmission forms, such as, for example, radio frequency and light wave transmissions. The computer readable media*

*may take the form of coded formats that are decoded for actual use in a particular data processing system.*

Applicant's specification, p. 19, l. 23 through p. 20, l. 11 (emphasis in italics to show portions cited by the examiner, emphasis in bold to show portion relating to recordable-type media).

The specification explicitly states that examples of computer readable media include "recordable-type" media and "transmission-type" media. "Transmission-type" media include the forms of energy objected to by the examiner, such as light wave transmissions. In contrast, "recordable-type" media only include tangible, physical things such as, "a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs." Thus, the examiner's characterization that, "applicant has provided evidence that applicant intends the "recordable-type medium" to use signals," is manifestly wrong.

Applicants now demonstrate that the recited claim language is statutory. In the case of *In re Beauregard*, the Commissioner of the United States Patent and Trademark Office conceded, in a case before the Federal Circuit, that "computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101 and must be examined under 35 U.S.C. §§ 102 and 103." *In re Beauregard*, 35 U.S.P.Q.2d 1383 (Fed. Cir. 1995). Claim 24 provides for a "computer program product comprising... a recordable-type medium," which, as shown above, is a tangible medium. Therefore, under the standards of *In re Beauregard*, claim 24 is statutory subject matter under 35 U.S.C. § 101.

## II. 35 U.S.C. § 102: Asserted Anticipation

The examiner rejects claims 1-4, 11-14, and 24 as anticipated by *Keane, et al., Managing Print Jobs*, U.S. Patent 5,540,433 (November 18, 2003) (hereinafter "*Keane*"). This rejection is respectfully traversed. The examiner states that:

Keane teaches **a method for presenting a step of a task, wherein the task includes a series of steps to be performed, the method comprising: identifying a current step within the series of steps;** (Fig 4 a-c → Keane teaches a system with a graphical user interface with a process with steps.. The current step is a highlighted step.) **retrieving a step component for the current step;** (Fig 4 a-c → Keane teaches a system with a graphical user interface with a process with steps. The current step is a highlighted step. The user can input the settings of the current step.) and **presenting the current step inline within the series of steps such that the step component is presented in context within the series of steps.** (Fig 4 a-c → Keane teaches a system with a graphical user interface with a process with steps. The current step is a highlighted step within a series of other steps.)

Office action of October 17, 2007, p. 3 (emphasis in original).

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not identically shown in the cited reference, arranged as they are in the claims.

Claim 1 is as follows:

1. (Original) A method for presenting a step of a task, wherein the task includes a series of steps to be performed, the method comprising:
  - identifying a current step within the series of steps;
  - retrieving a step component for the current step; and
  - presenting the current step inline within the series of steps such that the step component is presented in context within the series of steps.

*Keane* does not anticipate claim 1 because *Keane* does not teach the features of, “retrieving a step component for the current step,” or “presenting the current step inline within the series of steps such that the step component is presented in context within the series of steps,” as required in claim 1. The examiner incorrectly asserts otherwise, citing the following portions of *Keane*:

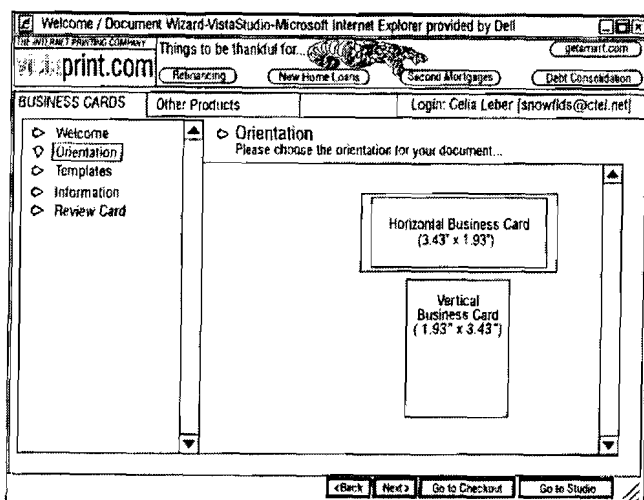


FIG. 4A

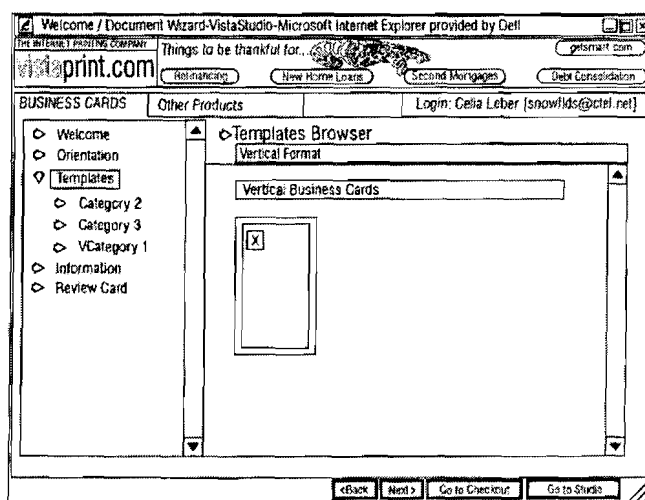


FIG. 4B

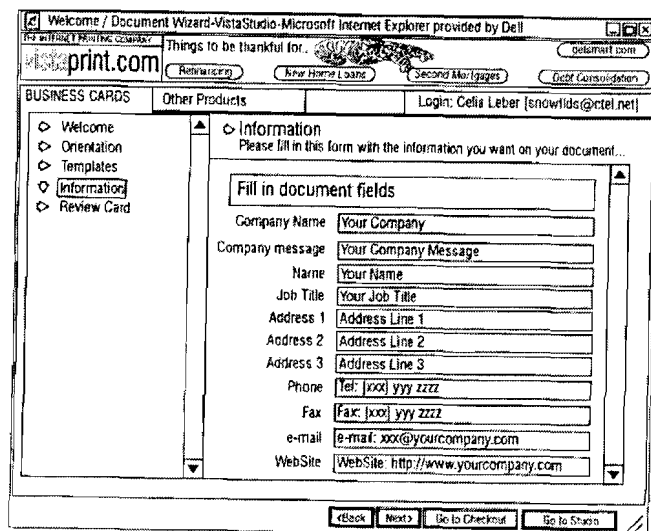


FIG. 4C

user-friendliness. In the Design Wizard, the customer selects the item that the customer wishes to design (e.g., business cards or other items, in FIGS. 4-4E). For business card design, the Design Wizard includes a Welcome screen (FIG. 4), an Orientation screen (FIG. 4A) that allows the customer to choose between horizontal and vertical cards, a Template Browser screen (FIG. 4B) that allows the customer to choose between a variety of different design templates (not shown), an Information screen (FIG. 4C) at which the customer fills in a number of fields to complete the selected design template with the customer's information, and Review screens (FIGS. 4D and 4E) that allow the customer to review the front and back of the resulting business card. After reviewing the card, the customer can decide to (a) go back and edit the card, (b) go to the Checkout (the Purchase Wizard described below), or (c) go to the Design Studio to perform more complicated design functions (e.g., changing fonts and color schemes).

*Keane*, col. 11, ll. 18-43.

The cited portions of *Keane* teach a computer-implemented process that enables users at client workstations to generate business cards. In context, *Keane's* claims are directed towards printing batches of business cards generated using the methods shown in figures 4A through 4O. *Keane*, claim 1, col. 22, ll. 2-18. Specifically, figure 4A shows, in the left hand portion of the screen, a list of steps taken in the process of laying out a business card to be printed; namely, "welcome," "orientation," "templates," "information," and "review card." Applicants assume, *arguendo only*, that these steps are equivalent to the claimed "series of steps" of "a task," as provided in claim 1. Next, figure 4B of *Keane* shows a submenu of items under the "templates" tab; namely, *Keane* shows a series of categories. Applicants assume, *arguendo only*, that "templates" in *Keane* is equivalent to a "select template step" in the "series of steps to lay out a business card." Next, figure 4C of *Keane* shows the details of the "information" step shown in figure 4A; namely, the document fields that should be filled in for the business card.

However, none of these features or descriptive text teach the above-identified features of claim 1. Applicants address these features one at a time. First, *Keane* does not teach, "retrieving a step component

The portion of *Keane* describing these figures is as follows:

FIGS. 4-4O show webpages from a website studio used in one implementation of the invention. To begin the design process, the customer first navigates from a home page (not shown), to the Design Wizard (FIGS. 4-4E). The Design Wizard is configured to appear to the customer like a standard Windows.RTM. Wizard application, e.g., with "back", "next" and "finish" buttons, giving the customer a feeling of familiarity and

for the current step.” With respect to this feature, the examiner states, “Keane teaches a system with a graphical user interface with a process with steps. The current step is a highlighted step. The user can input the settings of the current step.”

However, the examiner has ignored the language of the claim. The claim requires, “*retrieving a step component* for the current step.” *Keane* does not teach *retrieving* step components. In fact, *Keane* does not teach “step components” at all. In figure 4B of *Keane*, cited by the examiner, the “categories” under the “templates” step are not step components, but rather categories of templates that the user can browse. For example, a user can view any one of the categories shown, at least at any one time. However, the categories are not part of the “templates” step, just selections of templates from which the user can choose. Hence, *Keane* does not teach “*step components*,” as required in claim 1.

Furthermore, as stated above, *Keane* does not teach *retrieving* such step components. Thus, *Keane* does not teach, “retrieving a step component for the current step,” as in claim 1. Accordingly, *Keane* does not anticipate claim 1.

Additionally, *Keane* does not teach, “presenting the current step inline within the series of steps *such that the step component is presented in context within the series of steps*,” as in claim 1. As described above, *Keane* does not teach step components. Thus, *Keane* does not teach that the step components are presented in context within the series of steps, as in claim 1. Hence, again, *Keane* does not anticipate claim 1.

The remaining claims all contain features similar to those presented in claim 1. Therefore, at least for the reasons stated above, *Keane* anticipates none of the claims.

### **III. 35 U.S.C. § 103: Asserted Obviousness**

#### **III.A. Claims 5, 6, 8-10, 15, 16, 18-21, and 23**

The examiner rejects claims 5, 6, 8-10, 15, 16, 18-21, and 23 as obvious under 35 U.S.C. § 103 in view of *Keane* and *Hind*, Achieving Application-Specific Document Content by Transcoding Using Java Server Pages, U.S. Patent 6,715,129 (March 30, 2004) (hereinafter “*Hind*”). This rejection is respectfully traversed. With respect to claim 5, the examiner states that:

Keane teaches the limitations of claim 1.

Keane discloses ***a method presenting current step inline with a series of steps*** (Fig 4 a-c → Keane teaches a system with a graphical user interface with a process with steps. The current step is a highlighted step within a series of other steps.)

Keane also discloses ***Java***. (Col 13, lines 1-5 → Keane discloses a system which utilizes a Javascript.)

Keane does not appear to explicitly disclose *a method using a Java Server Page*.

However, Hind discloses *a method presenting a Java Server Page*. (Abstract → Hind discloses a system that Java Server Pages.)

Keane and Hind are both analogous art because they are from the same field of endeavor of graphical user interface applications using Java.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Keane and Hind before him or her, to modify the GUI that identifies a current step within the series of steps to include communication with a client and server because it allows tasks to be listed and oriented in a network system with an universal web based language like Java, as disclosed by Keane, with a Java Server Page, as disclosed by Hind.

The motivation for doing so would have been to allow a user interface with inline representation of steps in a multi-stepped process in conjunction with a network system to be programmed with an universal language like Java.

Therefore, it would have been obvious to combine Hind with Keane to obtain the invention as specified in the instant claim.

Office action of October 17, 2007, pp. 6-7 (emphasis in original).

Claim 5 as amended is as follows:

5. The method of claim 2, wherein presenting the current step inline within the series of steps includes generating a response page using a JAVA Server Page.

### **III.A.i. The Proposed Combination, Considered as a Whole, Does Not Teach or Suggest all of the Claimed Features**

The examiner failed to state a *prima facie* obviousness rejection against claim 5 because the proposed combination of references, considered as a whole, does not teach or suggest all of the features of claim 1, from which claim 5 depends. As shown above, *Keane* does not teach all of the features of claim 1. Furthermore, *Keane* does not suggest the claimed feature because *Keane* is devoid of disclosure regarding the features of claim 1. Additionally, *Keane* does not suggest the features of claim 1 because *Keane* is not concerned with identifying step components of steps because *Keane* is only concerned with printing batches of jobs.

Additionally, *Hind* does not teach or suggest all of the features of claim 1. *Hind* teaches a method for using Java Server Pages to enable transcoding of the content of a document requested by a client in order to tailor the output document according to application-specific characteristics. *Hind*, Abstract. *Hind* is completely devoid of disclosure regarding the features of claim 1.

Therefore, neither *Keane* nor *Hind* teach or suggest all of the features of claim 1. Accordingly, the proposed combination of references, considered as a whole, does not teach or suggest all of the

features of claim 1. Hence, under the standards of *In re Royka*, the examiner failed to state a *prima facie* obviousness rejection against claim 1.

At least by virtue of the dependency of claim 5 on claim 1, the examiner failed to state a *prima facie* obviousness rejection against claim 5. For similar reasons, the examiner failed to state a *prima facie* obviousness rejection against the remaining claims in this grouping of claims.

### **III.A.ii. The Examiner Failed To State a Proper Reason To Achieve the Legal Conclusion of Obviousness Under the Standards of *KSR Int'l.***

Additionally, the examiner failed to state a *prima facie* obviousness rejection against claim 5 because the examiner failed to state a proper reason to combine the references under the standards of *KSR Int'l.* Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007). (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).

The examiner did not state a proper reason to achieve the *legal conclusion* of obviousness under the standards of *KSR Int'l.* Instead, the examiner states:

The motivation for doing so would have been to allow an user interface with inline representation of steps in a multi-stepped process in conjunction with a network system to be programmed with an universal language like Java.

Office action of October 17, 2007, p. 7.

However, the examiner only provided a purported advantage to combine the references. An advantage is not the legal conclusion of obviousness. For example, the examiner failed to connect that purported advantage to the *legal conclusion* of obviousness, are required by *KSR Int'l.* Under *KSR Int'l.*, the examiner must provide some rational underpinning to the *legal conclusion* of obviousness, not just state a purported advantage and then assume the legal conclusion of obviousness.

A rational underpinning for the legal conclusion of obviousness is not the same as an advantage; for example, one of ordinary skill would have to recognize the purported advantage, have a reason to implement the purported advantage, and also have no reason to avoid implementing the purported advantage in order to make the connection that one of ordinary skill would make the connection between the references in the first place. Additional logic would be required to state a compelling case for the *legal conclusion* of obviousness of the claim at issue; simply reciting an “advantage” is not enough. Therefore, under the standards of *KSR Int'l.*, the examiner failed to provide a rational underpinning to achieve the legal conclusion of obviousness. Hence, the examiner failed to state a *prima facie* obviousness rejection against claim 1 or any other claim in this grouping of claims.

### **III.A.iii. No Reason Exists To Combine the References Under the Standards of *KSR Int'l.***

Additionally, no rational reason exists to combine the references to achieve the invention of claim 5 when the references are considered as a whole. *Keane* is directed to batching print jobs. *Hind* is directed towards remote login to a graphical user interface server. The two references have nothing to do with *claim 1*, other than the two references require the use of a computer to perform the disclosed methods.

Because the references have nothing to do with each other or claim 5, one of ordinary skill could find no reason to combine the references to achieve the invention of claim 5, when the references are considered together as a whole. Accordingly, under the standards of *KSR Int'l.*, the examiner failed to state a *prima facie* obviousness rejection against claim 5. For similar reasons, the examiner failed to state a *prima facie* obviousness rejection against the remaining claim sin this grouping of claims.

### **III.A.iv. *Hind* Is Non-Analogous Art.**

The examiner has failed to state a *prima facie* obviousness rejection because *Hind* is non-analogous art. In order to rely on a reference as a basis for rejection, the reference must be either in the applicant's field of endeavor or, if not, then reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992); *In re Deminski*, 796 F.2d 436, 442, 230 U.S.P.Q. 313, 315 (Fed. Cir. 1986).

In the case at hand, *Hind* is not in the same field of endeavor of Claim 5 and *Hind* is not reasonably pertinent to the particular problem with which Applicants were concerned. With regard to the first part of the test for analogous art, *Hind* is not in the same field of endeavor of Claim 5 because *Hind* is in the field of remote login to a graphical user interface server. In contrast, Claim 5 is in the field of presenting methods to users. The two fields are completely distinct from each other because the methods and techniques taught by the two references are completely distinct from each other. Thus, *Hind* fails the first test of *In re Oetiker*.

With regard to the second part of the test for analogous art, *Hind* is not reasonably pertinent to the particular problem with which Applicants were concerned. As established above, *Hind* is in the field of remote login to a graphical user interface server. Specifically, *Hind* is directed to the problem of providing Java server pages in transcoding environments. For example, *Hind* provides that:

In view of the advantageous aspects of using JSPs as discussed above, it would be desirable to incorporate JSPs in transcoding environments. There is currently no known technique for providing this capability. Accordingly, what is needed is a technique with which a JSP author can specify application-specific



characteristics to be used in the transcoding process, enabling the transcoding engine to generate output that is more precisely tailored for the requesting user.

*Hind*, col. 3, ll. 39-47.

In contrast, Claim 5 is directed to the problem of presenting methods to users. The problem addressed by *Hind* is completely distinct from the problem addressed by Claim 5. For this reason, *Hind* is not reasonably pertinent to the particular problem with which Applicants were concerned. Therefore, *Hind* fails the second part of the *In re Oetiker* test for analogous art.

Nevertheless, the examiner states that:

Keane and Hind are both analogous art because they are from the same field of endeavor of graphical user interface applications.

Office action of October 17, 2007, p.8.

The examiner appears to confuse the concept of non-analogous art. The question is not whether *Keane* and *Hind* are analogous to each other, but rather whether *Keane* and *Hind* are analogous to claim 5. As shown below, *Hind* is not analogous to claim 5.

In light of the requirements of *In re Oetiker* the examiner's characterizations of *Hind* and Claim 5 are too broad to establish that *Hind* is in the same field of endeavor as Claim 5. For example, the court in *In re Oetiker* stated that:

The examiner stated that "since garments commonly use hooks for securement", a person faced with the problem of unreliable maintenance of the pre-assembly configuration of an assembly line metal hose clamp would look to the garment industry art.

*In re Oetiker*, 977 F.2d 1443 at 1446.

The examiner in *In re Oetiker* attempted to use substantially the same argument as the present examiner. The argument is as follows: Because the reference and the claim both deal with the same broad class of problem, the reference is in the same field of endeavor as the claimed invention. However, the Court of Appeal for the Federal Circuit specifically states that this argument is incorrect:

*It has not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. The combination of elements from nonanalogous sources, in a manner that reconstructs the applicant's invention only with the benefit of Hindsight, is insufficient to present a prima facie case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself.*

Id. at 1447 (emphasis supplied).

The court ruled that the examiner failed to show that a person of ordinary skill solving a problem of fastening *hose clamps* would reasonably be expected or motivated to look to a reference dealing with *fasteners for garments*. Even though both technologies are in the same broad field of fastening objects, the reference was still considered to be non-analogous art.

In the case at hand, *Hind* is directed to the field of remote login to a graphical user interface server. In contrast, Claim 5 is directed to the field of presenting methods to users. These fields are more distinct from each other than the field of hose clamps and the field of fasteners for garments. In fact, the fields of hose clamps and fasteners for garments are *more* closely related because both are fasteners. In stark contrast, the invention of Claim 5 is more divergent from the field of *Hind*. Therefore, under the standards of *In re Oetiker*, *Hind* is non-analogous art to Claim 5, notwithstanding the examiner's assertions to the contrary. Accordingly, the examiner failed to state a *prima facie* obviousness rejection against Claim 5.

The rejections of claims 6, 8-10, 15-16, 18-21, and 23 all rely on the combination of *Keane* and *Hind*. Therefore, because *Hind* is non-analogous art, the examiner also failed to state a *prima facie* obviousness rejection against these claim. Accordingly, this rejection is overcome.

### **III.A.v. Response to Examiner's Assertion that *Hind* is Analogous Art**

The examiner states that *Hind* is analogous art:

Keane and Hind are both analogous art because they are from the same field of endeavor of graphical user interface applications using Java.

Office action of October 17, 2007, p. 7.

However, the examiner has misapplied the standard of analogous art. Under the standard provided in *In re Oetiker*, the inquiry is whether the references are analogous to the *claims*, not whether the references are analogous to *each other*. As shown above, *Hind* is not analogous to claim 5 under the standards of *In re Oetiker*. Accordingly, *Hind* may not be relied upon to state a *prima facie* obviousness rejection against the claims. Hence, the examiner failed to state a *prima facie* obviousness rejection against the claims.

### **III.A.vi. *Keane* is Non-Analogous Art**

Additionally, under the standards of *In re Oetiker*, *Keane* is also non-analogous art. As provided above, *Keane* is directed to managing print jobs. *Keane*, Title. Thus, *Keane* is not in the same field of invention as claim 5, which is presenting methods to users. Additionally, *Keane* is not reasonably related to the problem to be solved, which is overcoming shortcomings of help wizards. Instead, *Keane* is directed to the problem of managing different kind of user-initiated print jobs. The fact that *Keane*

presents a method for drafting business cards is ancillary to this purpose, even if *Keane* taught all of the features of claim 1 (which it does not). Therefore, *Keane* fails both tests for analogous art set forth in *In re Oetiker*. Accordingly, *Keane* may not be relied upon to state a *prima facie* obviousness rejection against the claims. Hence, the examiner failed to state a *prima facie* obviousness rejection against the claims.

### III.B. Claims 7, 17, and 22

The examiner rejects claims 7, 17, and 22 under 35 U.S.C. § 103 as obvious over *Keane*, *Hind*, and *Scheinblum, J.*, Make Your Applications Strut, <http://articles.techrepublic.com.com/5100-22-1027640.html>, March 5, 2002 (hereinafter “*Scheinblum*”). This rejection is respectfully traversed. The examiner states that:

Keane and Hind disclose the limitations of claim 5

Keane discloses building a response page (col 5, lines 56-65 → Keane discloses a system with a GUI that communicates on a network with a communication protocol. It is typical for a server page to have a respond page for a client request.)

and the use of Java. (Col 13, lines 1-5 → Keane discloses a system which utilizes a Javascript. ) Keane and Hind does not appear to explicitly disclose ***a method wherein building the response page using a Struts framework.***

However, Schein' discloses ***a method presenting a Struts Framework.*** (pg U-1, 1<sup>st</sup> paragraph → Schein' discloses a Struts Framework technology.)

Keane, Hind, and Schein' are analogous art because they are from the same field of endeavor of graphical user interface applications using Java. At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Keane and Hind before him or her, to modify the GUI that identifies a current step within the series of steps to include communication with a client and server because it allows tasks to be listed and oriented in a network system with an universal web based language like Java, as disclosed by Keane, with a Java Server Page, as disclosed by Hind, and with Java based Struts framework, as disclosed by Schein',

The motivation for doing so would have been to allow templates of graphical interface user that presents with inline representation of steps in a multi-stepped process in conjunction with a network system to be programmed with an universal language like Java.

Therefore, it would have been obvious to combine Hind and Schein' with Keane to obtain the invention as specified in the instant claim.

Office action of October 17, 2007, pp. 12-13.

Claim 7 is as follows:

7. (Original) The method of claim 5, wherein generating a response page includes building the response page using a Struts framework.

### **III.B.i. The Proposed Combination of References, Considered as a Whole, Does Not Teach or Suggest all of the Claimed Features**

The examiner failed to state a *prima facie* obviousness rejection against the claims because the proposed combination of the references, when considered as a whole, does not teach all of the features of the claims. To prove this fact, Applicants first address each reference in turn, and then the combination as a whole.

The rejected claims all depend from the independent claims. Therefore, at least by virtue of their dependency, *Keane* does not teach all of the features of the dependent claims, as asserted by the examiner. Additionally, because *Keane* is devoid of disclosure regarding the above-described features of claim 1, *Keane* also does not suggest the features of claim 1.

Moreover, *Schienblum* does not teach or suggest the features of claim 1, and the examiner does not suggest otherwise. *Scheinblum* teaches how to create Java-based struts frameworks. *Scheinblum*, paragraph 1. *Scheinblum* is completely devoid of disclosure regarding the features of claim 1. Therefore, *Schienblum* also does not teach or suggest the features of claim 1.

Because neither *Keane* nor *Schienblum* teach or suggest the features of claim 1, the proposed combination of references, considered as a whole, does not teach or suggest the features of claim 1. Because the rejected claims all contain features similar to those presented in claim 1, the proposed combination of references, considered as a whole, does not teach or suggest the feature of the rejected dependent claims. Accordingly, the examiner failed to state a *prima facie* obviousness rejection against the claims.

### **III.B.ii. The Examiner Failed To State a Proper Reason To Achieve the Legal Conclusion of Obviousness Under the Standards of *KSR Int'l.***

As with the first obviousness rejection, the examiner only stated a purported advantage to combining the references. A purported advantage is not enough; instead, as announced in *KSR Int'l.*, the examiner must provide a proper reason to achieve the *legal conclusion* of obviousness. A purported advantage may be part of the logical chain that establishes a reasoned analysis for the *legal conclusion*, but the examiner may not simply assume that the advantage alone compels the required analysis.

### **III.B.iii. *Keane* and *Schienblum* Are Non-Analogous to Claim 7.**

Additionally, both *Keane* and *Schienblum* are non-analogous art to claim 7. *Keane* fails the tests of *In re Oetiker*, as described above.

*Schienblum* also fails the tests of *In re Oetiker* because *Schienblum* is not in the same field of endeavor as claim 7 and *Schienblum* is not reasonably related to the problem to be solved by claim 7. As provided above, *Schienblum* is directed to creation of Java-based frameworks, which has nothing to do with presenting steps in a process, as required in claim 7. Thus, *Schienblum* is non-analogous art under the standards of *In re Oetiker*. Accordingly, *Schienblum* may not be relied upon to state a *prima facie* obviousness rejection against the claims. Hence, the examiner failed to state a *prima facie* obviousness rejection against the claims.

### **IV. Conclusion**

The subject application is patentable over the cited references and should now be in condition for allowance. The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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